

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MANUEL SALAS,

Plaintiff,

v.

ORDER

09-cv-237-slc

GREGORY GRAMS, LORI ALSUM,
JAMES GREER, GLORIA MARQUARDT,
CYNTHIA THORPE, DALIA SULIENE,
R.N. KETARKUS, PAUL PERSSON,
and STEVE HELGERSON,

Defendants.

On June 3, 2009, this court granted plaintiff leave to proceed on his claims that defendants violated his medical privacy rights and failed to protect plaintiff from self-harm. The order was docketed by the clerk's office on June 4 and forwarded to the office of the Attorney General along with a copy of plaintiff's complaint for acceptance of informal service of process on defendants Greg Grams, Lori Alsum, Gloria Marquardt, James Greer, Cynthia Thorpe, Dalia Suliene, R.N. Ketarkus, Paul Persson and Steve Helgersen. Now plaintiff has filed a motion for entry of default pursuant to Fed. R. Civ. P. 55(a).

In support of his motion, plaintiff argues that defendants are in default because they failed to file an answer within 30 days of June 4, 2009, the date the Wisconsin Department of Justice was served on behalf of the defendants. Pursuant to this court's agreement with the office of the Attorney General, defendants on whose behalf the office accepts informal service of process have 40 days from the date of the order in which to file a responsive pleading. In this case that order was entered on June 4, 2009, which means that defendants had until July 14,

2009 to file their answer. Defendants filed their answer on July 8, 2009, well within the 40 day deadline. Therefore, plaintiff's motion for entry of default must be denied.

ORDER

IT IS ORDERED that plaintiff's motion for entry of default (dkt. # 18) is DENIED.

Entered this 16th day of July, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge